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OLC 69-0694

13 August 1969

MEMORANDUM FOR THE RECORD

SUBJECT: Briefing of Congressional Contacts on Chuyen Case

1. Pursuant to the Director's instructions, I yesterday briefed Senators Stennis, Mansfield, Thurmond and Hollings and Representative Rivers on the above case. In addition, I took advantage of chance encounters with Senator George Murphy and Representative Philip Philbin (both members of Agency Subcommittees) to inform them of the basic facts, and I brought William Woodruff, Assistant Chief Clerk, Senate Appropriations Committee, up-to-date on some additional info following my original briefing of him on 11 August. This morning I briefly explained the facts in a phone call to Mr. Ed Braswell, Chief of Staff, Senate Armed Services Committee, who I was unable to reach yesterday.

2. In briefing Stennis, Mansfield, Thurmond, Hollings and Rivers I made the following points:

a. CIA has only a general coordinating role in the planning of clandestine collection programs run by U.S. Special Forces in Vietnam. These are in direct support of MACV and the Agency has no control over individual operations under these programs. CIA has never had any relations with Chuyen, the South Vietnamese allegedly killed by Special Forces officers.

b. On 12 June a Special Forces officer visited our Saigon Station and explained a problem with Chuyen, a Special Forces agent suspected of working for the Viet Cong or North Vietnamese. The Special Forces officer mentioned the possibility of either terminating Chuyen by "liquidation" or getting the Agency to exfiltrate and hold him outside of Vietnam. We said we could not sanction liquidation and were unable to exfiltrate him.

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c. On 16 June a Special Forces liaison officer in Saigon told our Station that Chuyen had failed a polygraph exam and Special Forces was considering his liquidation. We suggested turning him over to GVN authorities and said we could not countenance liquidation.

25X1 d. On 18 June Special Forces officers in Nha Trang again mentioned [] the possibility of eliminating Chuyen and we again recommended against it.

25X1 e. On 21 June our Saigon Station, having been informed of the foregoing, cabled emphatic instructions [] to impress upon Special Forces there that physical elimination of the agent would be morally unsound, involve serious flap potential, and should not be undertaken under any conditions. Special Forces officers in Nha Trang informed us that Chuyen had already been dispatched on a singleton mission into Cambodia. When told of this COS, 25X1A Saigon, instructed [] Special Forces that the mission should be cancelled and the agent recalled. Special Forces replied that it was too late. When notified of this, COS, Saigon, briefed General Abrams who immediately ordered Special Forces to recall the agent. When Special Forces Colonel Rheault reiterated to Abrams that it was too late, Abrams had Rheault immediately brought to Saigon for investigation and thanked CIA for informing him of the situation.

25X1A f. On 30 June Special Forces Sgt. Alvin Smith, who had been Chuyen's case officer, requested asylum [] and provided details on how Chuyen had been killed and his body disposed of. This information was immediately passed to Abrams, and Smith was turned over to MACV custody. 25X1

g. The case is now entirely in MACV's hands, but we are cooperating in the investigation. We understand that Colonel Rheault and Major Crew (to both of whom we had expressed opposition to "liquidation") and Major Middleton

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are pleading the Fifth Amendment and that others involved are claiming their actions were in response to instructions from higher authority.

3. Senator Stennis was most appreciative, saying he was glad but not surprised to know that the Agency's hands were clean. He asked me to thank the Director for his thoughtfulness in making sure that Stennis was informed.

4. Senator Mansfield was grateful for the briefing and seemed completely relaxed. He said he could understand why Special Forces officers might conceivably react in this fashion under the pressures of war, but was glad to hear the Agency was not a party to it.

5. Senator Thurmond also seemed relaxed and appreciative and remarked that his only concern when he read the press accounts was the fear that CIA had "bitten into a bad apple" by recruiting a double agent. I assured him this was not the case. Thurmond said he knew George Gregory, Major Middleton's lawyer, who was no doubt playing the case for political headlines.

6. Senator Hollings commented that he too knew Gregory and thought him a publicity hound. Hollings asked why, if we had no direct authority over Special Forces in such matters, they would seek our approval in their proposed liquidation of the agent. I said I could only hazard a guess that they were trying to take out insurance. Hollings asked if we ever approved liquidation of this sort. I said this was definitely not authorized in the Agency. He asked what we would do if we encountered a case where an agent such as Chuyen posed a real security threat. I said the best bet would probably be to turn him over to local authorities.

7. Senator Murphy, to whom I mentioned the case only briefly, said he would be glad to put the facts in the Congressional Record. I thanked him but said that since the case was under active investigation by the military I didn't think this would be appropriate at this time.

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8. When I started to brief Representative Rivers (whom I had called off the House floor at the recommendation of his secretary) he asked "why the hell are you telling me now?" I said I had given preliminary briefings to Russ Blandford and Frank Slatinshek, of his staff, but didn't want to bother him until we had all the facts. However, now that the story was making headlines, we thought he should know the details. He said he was a busy man and wondered why I bothered him if this was all I had to tell him. I said I would be glad to give him any details he wanted but if he was pressed for time I wanted at least to let him know that we never had anything to do with the agent and that on several separate occasions when the matter had been suggested by Special Forces personnel we had clearly opposed the idea of physical elimination of the agent. Rivers said it would have been more convenient if I had either briefed him "first thing this morning instead of this time of day while Congress is in session" or waited until later. I said I understood he was about to leave town and wanted to get to him before the recess.

9. When I briefly explained the case to Representative Philbin during a chance encounter, he told me that he had received a letter from one of his constituents in Vietnam telling him somewhat the same thing, at least so far as the circumstances of disposing of Chuyen were concerned. He said he was glad to know the Agency was not involved.

10. I met briefly with William Woodruff, Assistant Chief Clerk, Senate Appropriations Committee, and told him I had additional details if he and Senator Russell were interested. Woodruff said he didn't need to know any more than what I told him on Monday but would let me know if the Senator wished further particulars.

11. When I talked to Ed Braswell, Senate Armed Services Committee staff, this morning by phone he said he'd be interested in further details at our convenience but there was no hurry.

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